

ASSEMBLY BILL

No. 763

Introduced by Assembly Member Buchanan

February 21, 2013

An act to add Section 64.5 to the Harbors and Navigation Code, relating to aquatic invasive plants.

LEGISLATIVE COUNSEL'S DIGEST

AB 763, as introduced, Buchanan. Aquatic invasive plants: control and eradication.

Existing law designates the Department of Boating and Waterways as the lead agency of the state for the purpose of cooperating with agencies of the United States and other public agencies in controlling certain invasive plants in the Sacramento-San Joaquin Delta, its tributaries, and the marsh, and authorizes the department to furnish money, services, equipment, and other property for the control of those invasive plants.

This bill would additionally designate the department as the lead agency of the state for the purpose of cooperating with other state and local public agencies and with agencies of the United States in identifying, detecting, controlling, and administering programs to manage and eradicate invasive aquatic plants, as defined. The bill would authorize the department, in consultation with appropriate state, local, and federal agencies, to take any action it determines is necessary to implement statewide management and eradication measures for those invasive aquatic plants.

This bill would require the department to regularly consult with the United States Department of Agriculture, the United States Fish and Wildlife Service, the National Oceanic and Atmospheric Administration,

the University of California, and other members of the scientific and research communities, and other state agencies with jurisdiction over the control of invasive aquatic plants to determine which species of those plants should be given the highest priority for treatment, and the best methods of implementing identification, control, and eradication measures. The bill would also require the department, after consulting with those entities, if it identifies a species of invasive aquatic plant that may need to be treated, to notify the Department of Fish and Wildlife of the potential threat from that plant species. The bill would require the Department of Fish and Wildlife, after receipt of that notice, to conduct a risk assessment of that invasive aquatic plant species to determine whether the species presents a threat to the environment or economy of the state, as determined by consideration of specified factors. The bill would require the Department of Fish and Wildlife, after completing that assessment, to report its findings to the department so that the department may take any necessary action to control or eradicate an invasive aquatic plant, as authorized under the bill.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The spread of aquatic invasive plants have been a continuing
- 4 problem in the Sacramento-San Joaquin Delta and in waterways
- 5 and lakes throughout the state.
- 6 (b) Invasive aquatic plants obstruct navigation in the state's
- 7 waterways and pose a threat to fisheries and other ecosystems.
- 8 (c) Coordinated, early-stage treatment of invasive aquatic plants
- 9 is critical in controlling and managing those invasive species to
- 10 protect the state's environment and prevent harm to California's
- 11 tourism business and economy.
- 12 (d) Authorizing the Department of Boating and Waterways to
- 13 cooperate with other state, federal, and local agencies in the
- 14 identification, management, and eradication of invasive aquatic
- 15 plants, instead of requiring that the department undertake legislative
- 16 action each time an agency identifies a new species of invasive
- 17 aquatic plant, would enable the state to more effectively manage
- 18 and control invasive aquatic plants on a statewide basis.

1 SEC. 2. Section 64.5 is added to the Harbors and Navigation
2 Code, to read:

3 64.5. (a) The department is designated as the lead agency of
4 the state for the purpose of cooperating with other state and local
5 public agencies, and agencies of the United States in identifying,
6 detecting, controlling, and administering programs to manage and
7 eradicate invasive aquatic plants. The department, in consultation
8 with appropriate state, local, and federal agencies, may take any
9 action it determines is necessary to implement statewide control
10 and eradication measures for invasive aquatic plants.

11 (b) The department shall regularly consult with the United States
12 Department of Agriculture, the United States Fish and Wildlife
13 Service, the National Oceanic and Atmospheric Administration,
14 the University of California, and other members of the scientific
15 and research communities, as well as other state agencies with
16 jurisdiction over the control of invasive aquatic plants to determine
17 which species of those plants should be given the highest priority
18 for treatment, and the best methods of implementing identification,
19 control, and eradication measures.

20 (c) (1) After consulting with the various entities as required in
21 subdivision (b), if the department identifies a species of invasive
22 aquatic plant that may need to be treated, it shall notify the
23 Department of Fish and Wildlife of the potential threat from that
24 plant species. After receipt of that notice, the Department of Fish
25 and Wildlife shall conduct a risk assessment of the invasive aquatic
26 plant species identified by the department to determine whether
27 the species presents a threat to the environment or economy of the
28 state. In making that determination, the department shall consider
29 all of the following:

30 (A) Whether the invasive aquatic plant species may cause
31 environmental damage, including threats to the health and stability
32 of fisheries, damage to migratory and other birds' access to
33 waterways and nesting areas, deterioration of water quality
34 resulting from plant decay, and harm to native plants.

35 (B) Whether the invasive aquatic plant species may cause harm
36 to the state's economy or infrastructure by increasing flood risk,
37 threatening water supplies by blocking pumps, canals, and dams
38 necessitating early treatment efforts.

39 (C) Whether the invasive aquatic plant species may obstruct
40 navigation and recreational uses of waterways, and cause potential

1 harm to manmade facilities, including state water pumping
2 operations.

3 (2) After completing the risk assessment of aquatic invasive
4 plants required by paragraph (1), the Department of Fish and
5 Wildlife shall report its findings to the department so that the
6 department may take any necessary action to control or eradicate
7 an invasive aquatic plant, as authorized under subdivision (a).

8 (d) (1) For purposes of this section, “invasive aquatic plant”
9 means an aquatic plant or alga that is introduced into the state
10 waters and is determined to be an invasive species because it is
11 known to be or likely to be injurious or harmful to wetland habitats
12 or waters of California such as rivers, streams, lakes, reservoirs,
13 irrigation systems, and flood control systems.

14 (2) For purposes of this section, “invasive” means an organism,
15 including a species of plant, that has been introduced into the state
16 through human activity and that is injurious, or likely to cause
17 injury to the state’s environment or economy.